

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

FORRESTER ENVIRONMENTAL)	
SERVICES, INC. and)	
KEITH E. FORRESTER,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:10-cv-00154-JL
)	
WHEELABRATOR TECHNOLOGIES,)	
INC.)	
)	
Defendant.)	

**ASSENTED TO MOTION FOR LEAVE TO FILE FOR LEAVE TO REPLY OR
OBJECT TO DEFENDANT’S “SUPPLEMENT TO DEFENDANT’S MOTION
FOR SUMMARY JUDGMENT AS TO COUNTS I, II AND III”**

Plaintiffs Forrester Environmental Services, Inc. and Keith E. Forrester (collectively, “Plaintiffs”) hereby respectfully move this Court for leave to reply or object to Defendant Wheelabrator Technologies, Inc.’s (“WTI’s”) “SUPPLEMENT TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT AS TO COUNTS I, II AND III” (Doc. No. 102-1, filed September 6, 2011, WTI’s motion for leave to file the “SUPPLEMENT” granted by Endorsed Order on September 14, 2011).

WTI’s “SUPPLEMENT” raises new factual issues and arguments which could not have been addressed previously by Plaintiffs. Plaintiffs thus seek leave to reply or object to WTI’s “SUPPLEMENT.”

WTI assents to the relief sought by this motion.

WHEREFORE, Plaintiffs respectfully requests that this Court enter an Order granting them leave to reply or object to the “SUPPLEMENT TO DEFENDANT’S MOTION FOR

SUMMARY JUDGMENT AS TO COUNTS I, II AND III” (Doc. No. 102-1, filed September 6, 2011 by Defendant WTI.

Pursuant to Local Civil Rule 7.1(c), Plaintiffs hereby certify to the court that a good faith attempt has been made to obtain assent to the relief sought. WTI’s counsel has assented to the requested relief.

Pursuant to Local Civil Rule 7.1(a)(2), no memorandum of law is submitted herewith as the relief requested is within the sound discretion of the Court.

Respectfully submitted,

FORRESTER ENVIRONMENTAL SERVICES,
INC. and KEITH E. FORRESTER

By Their Attorneys
GALLAGHER, CALLAHAN & GARTRELL, PC

Dated: September 15, 2011

By: /s/ Erik G. Moskowitz
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Attorney for Plaintiffs Forrester
Environmental Services, Inc. and
Keith E. Forrester

CERTIFICATE OF SERVICE

I, Erik G. Moskowitz, hereby certify that a copy of the foregoing was sent this date via ECF to counsel of record.

Dated: September 15, 2011

By: /s/ Erik G. Moskowitz
Erik G. Moskowitz